

1 I mean, was that the easement that you had sold to the Park  
2 Department or is that something different?

3 WITNESS: No, that was property that had been  
4 acquired by the National Park Service. The 82 1/2 acre ranch  
5 was within the total boundaries of the National Park.

6 JUDGE SIPPEL: Let me see if I can get a little  
7 clarification on that. You had 82.5 acres and was it right in  
8 the middle of Federal Park land?

9 WITNESS: Surrounding on all sides except the east  
10 which was State land.

11 JUDGE SIPPEL: So three sides were Federal land and  
12 one side was State land.

13 WITNESS: Yes.

14 JUDGE SIPPEL: And where was the -- now, where was  
15 the easement? How does the easement tie in on any of that  
16 property?

17 WITNESS: The easement was a scenic easement which  
18 was designed to limit any additional buildings --

19 JUDGE SIPPEL: How big was it?

20 WITNESS: -- to be erected and any additional  
21 buildings. The buildings that were there were allowed to  
22 remain, were allowed to be rebuilt, but no additional  
23 buildings could be allowed to be constructed.

24 JUDGE SIPPEL: How big a piece of land was the  
25 easement?

1 WITNESS: 82 1/2 acres.

2 JUDGE SIPPEL: Now, I'm confused. 82 1/2. You mean  
3 the whole -- all your property became an easement?

4 WITNESS: It became a scenic easement which  
5 basically there was restrictions of record that would not  
6 allow any building in a new form, in a new area to be  
7 constructed.

8 JUDGE SIPPEL: All right. Let me see if I can just  
9 bring this -- bring my question to a brief conclusion here. I  
10 understand that in 1985, you sold an easement or a scenic  
11 easement to the government, the Federal Government, as you  
12 have described it for all 82 1/2 acres of your ranch for which  
13 they paid you \$500,000. Is that correct?

14 WITNESS: That's correct.

15 JUDGE SIPPEL: All right, Mr. Zauner.

16 BY MR. ZAUNER:

17 Q At the time of your arrest, were there hidden rooms  
18 located in your residence on the ranch?

19 A Well, I wouldn't call them hidden rooms. There were  
20 rooms that did not have obvious access, but they were not  
21 hidden.

22 Q Well, how many such rooms were there that you are  
23 referring to?

24 A Well, I believe that you're referring to two  
25 specific rooms.

1 Q Correct.

2 A This building that I lived in was an apartment  
3 building that used to be a guest ranch and there were six  
4 apartments, 20 by 20, each one with separate bathrooms and a  
5 small kitchenette in each one. We remodeled the building or  
6 were in the process -- never completed -- remodeling the  
7 building, eliminated a couple of the bathrooms in the process,  
8 and one of these rooms was a bathroom -- as you would call a  
9 half-bath, and that's one area that had a door, but it had  
10 been nailed up due to a court order.

11 During my process of divorce, my wife wanted the  
12 rooms boarded up so that the children upon visitation would  
13 not go upstairs to an area that had no flooring and any secure  
14 position other than a few boards to get around. They wanted  
15 that boarded up to prevent the children from falling through  
16 or creating any danger.

17 Q Was that room upstairs then in the house, the one  
18 that you're talking about with the boarded door --

19 A No, all the rooms were downstairs.

20 Q -- or was that on the main level?

21 A They were all downstairs. But the access to them  
22 without a flooring and no ceiling in these rooms -- this was  
23 all torn out. The floor was torn out, the ceiling was torn  
24 out, so you had just basically a cubical with no top and no  
25 bottom.

1 Q Was one of these rooms used for the purpose of  
2 growing marijuana?

3 A No.

4 Q Did one of these rooms have special lights in them  
5 -- lights in it for the purpose of growing marijuana?

6 A No.

7 Q When the police arrested you, was there marijuana  
8 debris located in either of these rooms to your knowledge?

9 A I was told there was marijuana debris in the room  
10 that was the bathroom, that there was marijuana debris on the  
11 floor mixed with Plaster of Paris and dirt.

12 JUDGE SIPPEL: Would you ask the witness what he  
13 means by marijuana debris?

14 MR. ZAUNER: Yes.

15 BY MR. ZAUNER:

16 Q Could you state what marijuana debris is to your  
17 understanding?

18 A Well, in this case, marijuana debris was the fallen  
19 debris, mostly in the area of leaves in the process that I  
20 hung a marijuana plant upside down in this room to dry.

21 Q You used this room then solely for drying of plant  
22 leaves?

23 A Solely for drying of a plant. One time.

24 JUDGE SIPPEL: And how much -- how much use can be  
25 made of one marijuana plant or the one marijuana plant that

1 | you hung in there to dry?

2 |           WITNESS: How much did that marijuana plant -- what  
3 | was the amount of usable marijuana?

4 |           JUDGE SIPPEL: Yes, sir.

5 |           WITNESS: Approximately -- the total plant, I think,  
6 | yielded between say three ounces to four ounces.

7 |           BY MR. ZAUNER:

8 |       Q     Did you have any watering system running into either  
9 | of these rooms?

10 |       A     No, I did not.

11 |       Q     Do you have fluorescent lights in either of these  
12 | rooms?

13 |       A     Yes, there was.

14 |       Q     And which room had the fluorescent lights?

15 |       A     The additional room, not the room we just spoke of.  
16 | But there was an additional room which was a storage/air raid  
17 | shelter type room made of concrete block approximately six  
18 | feet wide and eight feet long.

19 |       Q     Was this room ever used for purposes of growing  
20 | marijuana?

21 |       A     No, it was not.

22 |       Q     At the time you were arrested, did you have in your  
23 | home any ledgers or records showing sales of marijuana to  
24 | other individuals?

25 |       A     Not that I was aware of.

1           Q     I'm going to show you a document and ask you if this  
2 refreshes your recollection.

3           JUDGE SIPPEL: Can we get it marked?

4           MR. ZAUNER: No, Your Honor. I'm just showing it to  
5 him for purposes of refreshing recollection.

6           JUDGE SIPPEL: Well, you have to identify it for the  
7 record and let Counsel see it before you -- and ask for  
8 permission to approach the witness with it. I want to see it,  
9 too. Is that a copy for me?

10          MR. ZAUNER: That's a copy for you. Your Honor --

11          JUDGE SIPPEL: Before you show it to the -- go  
12 ahead. I'm sorry.

13          MR. ZAUNER: I was just going to say I request  
14 permission to show this to the witness.

15          JUDGE SIPPEL: I want to wait until -- Mr. McCartin  
16 is now looking at that one, Mr. Schattenfield. Mr. McCartin?

17          MR. McCARTIN: I've seen it, Your Honor.

18          JUDGE SIPPEL: Do you have any objection to him  
19 showing the witness?

20          MR. McCARTIN: No, Your Honor.

21          JUDGE SIPPEL: Go ahead. You may proceed. I'll  
22 describe it for the record. In general terms, this is -- it's  
23 one sheet of paper that's got seven hand-written items on it  
24 with some calculations.

25          BY MR. ZAUNER:

1           Q     Mr. Richards, have you ever seen this document  
2 before?

3           A     Yes, I have.

4           Q     Can you tell us what it is?

5           A     Well, it's a piece of paper with different coded-  
6 type or descriptive-type reference to obviously money and  
7 figures.

8           Q     Where have you see this before?

9           A     My attorney, Robert Hirsh, showed it to me.

10          Q     Do you recognize the handwriting on this document?

11          A     Well, I don't specifically, but I don't say that  
12 it's not mine. I really don't know. I don't remember this  
13 document. That's why I don't.

14               MR. ZAUNER: Your Honor, at this point, I'm going to  
15 ask to have the document marked for identification as Mass  
16 Media Bureau Exhibit Number 4.

17               JUDGE SIPPEL: All right. You may proceed and the  
18 reporter will mark this one-page document as identified thus  
19 far by the witness as Bureau's Exhibit Four for  
20 identification.

21                               (Whereupon, the document referred  
22 to as Bureau Exhibit Number 4  
23 was marked for identification.)

24           BY MR. ZAUNER:

25          Q     Do you know this document was in your home at the

1 time you were arrested?

2 MR. McCARTIN: Objection, Your Honor. There's been  
3 no foundation established that Mr. Richards knows what this  
4 document is. He's testified that it is a document that his  
5 attorney told him about, so I think that there's no basis for  
6 Mr. Zauner's question.

7 JUDGE SIPPEL: I'm going to sustain the objection at  
8 this point. I want to see if you can perhaps lay some more  
9 foundation, Mr. Zauner, to connect this witness to the  
10 document.

11 BY MR. ZAUNER:

12 Q Is this your handwriting on this document?

13 A I have no way of knowing for sure if it is or was my  
14 handwriting.

15 Q Do you know when you first saw the document?

16 MR. McCARTIN: Objection, Your Honor. This was  
17 asked and answered, both of these questions.

18 MR. McCARTIN: Well, he said he'd seen it --

19 JUDGE SIPPEL: I understand. No, I'm going to  
20 overrule the objection. I'm just a little bit -- I want to  
21 just go back to your answer with respect to not being able to  
22 identify your handwriting. Do you -- can you generally  
23 identify your handwriting? If you see something that you  
24 wrote, can you identify it?

25 WITNESS: No.



1 JUDGE SIPPEL: You can't?

2 WITNESS: No -- well, I mean, if I knew I wrote that

3 --

4 JUDGE SIPPEL: But I mean --

5 WITNESS: -- and then someone said, "Did you write  
6 that?" But to just pick something and say, "Did you write  
7 this?" unless it was longhand and it was something in that  
8 sense. But I don't --

9 JUDGE SIPPEL: Well, this is longhand.

10 WITNESS: Well, yes, Your Honor, it is, but it's --  
11 I mean, I had this question in the beginning and I would -- I  
12 don't want to -- for the record, I don't want to say that it's  
13 not mine, but I don't want to be quick to say that it was mine  
14 because I'm not sure. In this place where they said they  
15 found this was an area of storage and there were many, many  
16 piles of paper work.

17 I save every piece of paper for 25 years, every  
18 correspondence, every piece of paper. I store everything away  
19 for the purpose of someday maybe needing it. They found this  
20 supposedly in an area where I stored my papers. So that's why  
21 --

22 JUDGE SIPPEL: Who's "they"? Who's the "they"?

23 WITNESS: The -- whoever the people who came on  
24 their search warrant.

25 JUDGE SIPPEL: All right. And how did you find that

1 out? From your lawyer?

2 WITNESS: From my lawyer.

3 JUDGE SIPPEL: And he showed it to you.

4 WITNESS: He showed it to me.

5 JUDGE SIPPEL: Did you ever deny that this was your  
6 handwriting?

7 WITNESS: No one ever asked me.

8 JUDGE SIPPEL: No one ever asked you until today?

9 WITNESS: Right.

10 BY MR. ZAUNER:

11 Q Do you know what the notation at the top, "1/4 #  
12 brown" might refer to?

13 MR. MCCARTIN: Objection, Your Honor. Once again,  
14 the foundation has not been laid. He's asking --

15 JUDGE SIPPEL: Well, I'm satisfied. I mean, he's --  
16 he has not rejected it as being his handwriting. He said it  
17 probably was found in a collection of documents that he has  
18 been -- that he himself had been storing in this area and it  
19 was in the area that apparently the police were searching. I  
20 think there's enough of a connection to allow to come in for  
21 further cross examination. I don't know what weight I'm going  
22 to ascribe to it when we're finished here.

23 MR. MCCARTIN: Your Honor, I don't -- unless I  
24 misheard, I don't think that he said he stored it. I thought  
25 it was, it was found in a place where his papers are stored.

1 | There's a difference in order to connect it to the witness.

2 |           JUDGE SIPPEL: Don't start suggesting answers to  
3 | this witness, now. I'm going to excuse the witness. Would  
4 | you step outside for just a minute, Mr. Richards? You can use  
5 | this door right here.

6 |           (Whereupon, the witness exited the room.)

7 |           JUDGE SIPPEL: I distinctly heard him say that he  
8 | kept his documents stored in this area. I didn't hear him say  
9 | anything about anybody else assembling his documents and  
10 | storing them there.

11 |           MR. MCCARTIN: I agree. He said that he keeps his  
12 | documents in that area, but that doesn't mean that this  
13 | document was one that he put in that area. If you have -- if  
14 | he puts 500 documents in a particular area and there are  
15 | another hundred that someone else put there, it doesn't mean  
16 | that the other hundred were put there by him. That's the only  
17 | distinction. When I heard your characterization, I thought  
18 | that you were reiterating his testimony that he had put this  
19 | document in that place and I didn't hear that from him.

20 |           JUDGE SIPPEL: Well, my conclusion that I have drawn  
21 | is that he -- this document came from the -- whatever you want  
22 | to call it, a stack of documents or a collection of documents  
23 | that he had assembled in that area.

24 |           MR. SCHATTENFIELD: No, he didn't say that.

25 |           JUDGE SIPPEL: Well, that's the only inference to

1 draw from what he said.

2 MR. SCHATTENFIELD: No, sir. If I may be heard.

3 JUDGE SIPPEL: Go ahead, yes. That's what we're  
4 here for.

5 MR. SCHATTENFIELD: This is a storage area. He  
6 stored things there. He did not say he was the only one that  
7 stored there. He said, "I kept things there, but I don't know  
8 if this was it." It's possible that if Mr. Zauner asks him,  
9 that -- they got the property I don't know when, but there  
10 were other people using that property for a long period of  
11 time.

12 Mr. Zauner may be able to establish through the  
13 witness that this is where he stored papers and nobody else  
14 did. But that question has never been asked or answered. The  
15 impression I got from listening to his testimony is he put  
16 stuff there, but other people may or may not have. That door  
17 was not closed is my point.

18 JUDGE SIPPEL: Ask Mr. Richards to come back in,  
19 please.

20 (Whereupon, the witness re-entered the room.)

21 JUDGE SIPPEL: Mr. Richards, please take the stand  
22 again. You're still under oath. Did you hear anything that  
23 was discussed in this courtroom while you were outside?

24 WITNESS: No.

25 JUDGE SIPPEL: I heard you testify that you -- that

1 this document -- you were told by your attorney that -- and  
2 these are not your literal words now, but this is what I  
3 understood your testimony to be, that this document which is  
4 marked as Exhibit Four for identification was shown to you by  
5 your attorney and that your attorney said that he had found it  
6 in an area and that you understood or you had told us this  
7 morning that that area was where you stored -- you had been  
8 storing documents for 25 years. In sum and substance, is that  
9 essentially correct? Have I been misled some way?

10 WITNESS: No, I think -- did I say --

11 JUDGE SIPPEL: Did I mislead myself?

12 WITNESS: -- that the attorney found it or that the  
13 --

14 JUDGE SIPPEL: That the attorney showed it to you.

15 WITNESS: The attorney showed it to me.

16 JUDGE SIPPEL: And it was found by apparently,  
17 during the course of this search, which could've been  
18 logically some police authority.

19 WITNESS: Yes, yes. That's the way I understood it.

20 JUDGE SIPPEL: And am I correct in saying that your  
21 testimony is that you kept documents in that area for 25 years  
22 and that therefore, you were having difficulty in determining  
23 whether or not this was your handwriting or not?

24 WITNESS: Well --

25 JUDGE SIPPEL: I'm not trying to put words in your

1 mouth. I'm trying to --

2 WITNESS: Right. We kept all documents pertaining  
3 to the ranch for 25 years, whether it was my wife's, whether  
4 it was guarantees on different things you might buy. In other  
5 words, all -- any and all paperwork at all. To give an  
6 example, when I moved, we probably moved 25, 30 boxes of  
7 paperwork out of that room.

8 JUDGE SIPPEL: And who were the ones that  
9 contributed towards creating that file of documents? You were  
10 one obviously.

11 WITNESS: I was one.

12 JUDGE SIPPEL: Who else?

13 WITNESS: I was the major,

14 JUDGE SIPPEL: You were the major contributor. Who  
15 else?

16 WITNESS: My ex-wife.

17 JUDGE SIPPEL: How frequently would she place  
18 documents in there or produce a document that would be placed  
19 in there? Roughly percentage-wise.

20 WITNESS: Percentage-wise, between ten and fifteen  
21 percent maybe. She might put some documents in there. I  
22 probably put it in there and kept track of things in that  
23 area, you know, as a place to put things, maybe sixty-five  
24 percent of the time.

25 JUDGE SIPPEL: Then who else is left?

1           WITNESS: Different people who lived on the property  
2 for a good part of the 25 years. We had four homes, five  
3 apartments, and throughout the 25-year period, except for the  
4 last three years, there was always ten to twelve to fifteen  
5 people occupying and specifically occupying that building up  
6 until '85 when we then discontinued the apartments and  
7 converted it to a home.

8           JUDGE SIPPEL: Were they tenants?

9           WITNESS: They were people who worked there.

10          JUDGE SIPPEL: They didn't have any ownership  
11 interest.

12          WITNESS: No ownership.

13          JUDGE SIPPEL: They were employees.

14          WITNESS: In a sense, yes. It was more of a  
15 communal-type -- they weren't hired on a per hour basis or  
16 anything. They put their effort and work into it and they  
17 were given a place to stay, food, and anything that we needed  
18 as a group was provided.

19          JUDGE SIPPEL: Now, would those kinds of people have  
20 -- be able to put documents in this area and take them out  
21 again as they saw fit?

22          WITNESS: Oh, yes. Everybody had free access to it.  
23 It was not locked. There was no door.

24          JUDGE SIPPEL: What I'm saying is, is that what the  
25 procedure was, that if they had a piece of paper and they

1 wanted to put it in there, they could and if they wanted to go  
2 in and take it, they could come out and take it out? Is this  
3 the way you were operating things?

4 WITNESS: Yes. I mean, that's the way it was, yes.

5 JUDGE SIPPEL: Why would they have a reason to  
6 create a document and put it in there or to take a document  
7 out?

8 WITNESS: Only for storage purposes. Each one of  
9 these rooms of the six apartments had limited storage space.

10 JUDGE SIPPEL: Some people have limited storage  
11 space, let's say in a family, but usually the -- you know, if  
12 you have five children in a family and they're keeping their  
13 stuff at home, they usually have either a box that's marked  
14 theirs or it's in a file that's marked theirs or somehow or  
15 other, you -- you know, you don't have -- you don't have one  
16 person's documents mingled with another person's documents if  
17 you -- under the conditions that you're talking about. I'm  
18 trying to make sense out of this.

19 WITNESS: Yes. Then maybe I should clarify this as  
20 to how this room was set up. I had two file cabinets. I kept  
21 all my personal belongings in the file cabinets relating to  
22 insurance policies, credit cards, and so forth, all types of  
23 personal belongings, in the file cabinet, alphabetized for  
24 easy access. Then there was an area of the total wall that  
25 had shelf space that housed all non-important, in a sense,



1 documents and magazines and farm journals and any papers where  
2 I would write notes. I kept everything and so I stored the  
3 non-essential documents in piles as they were written or  
4 received in piles on this wall on these shelves.

5 JUDGE SIPPEL: Did you set that system up? I mean,  
6 were you the one that was sort of in charge of that system?

7 WITNESS: Well, I would say I was mostly in charge  
8 of it, yes.

9 JUDGE SIPPEL: I mean, somebody was giving some  
10 direction to this.

11 WITNESS: Well, unfortunately there wasn't much of a  
12 system there. It was just stack a pile here, stack a pile  
13 there, add to this pile. When it got too big, it became a  
14 pile on top another pile or it was kind of a storage thing.  
15 There wasn't much of a system to it except --

16 JUDGE SIPPEL: Well -- go ahead. I'm sorry to  
17 interrupt you. That is a system that you're describing.

18 WITNESS: Well, yes.

19 JUDGE SIPPEL: To the extent that is a system, who  
20 was the one who was most responsible for seeing that it was  
21 done that way?

22 WITNESS: I'd have to say I was.

23 JUDGE SIPPEL: Now, when -- but definitely the two  
24 file cabinets was your -- that was your domain. I mean, that  
25 was your documents.

1 WITNESS: That's correct.

2 JUDGE SIPPEL: What about your wife, your ex-wife?  
3 Did your ex-wife have documents of her own that she would put  
4 in that file cabinet?

5 WITNESS: Yes, she did.

6 JUDGE SIPPEL: And was there a system within the  
7 file cabinets? That is were things there for property  
8 repairs, a file for tax matters, a file for this type of  
9 thing? You're nodding yes.

10 WITNESS: Yes. I agree. There was.

11 JUDGE SIPPEL: Was there any documentation kept in  
12 that file cabinet with respect to what you -- your marijuana  
13 growings?

14 WITNESS: No.

15 JUDGE SIPPEL: All right. Now, when your attorney  
16 showed you this document, Bureau Exhibit Four for  
17 identification, where did he tell you he found the document?

18 WITNESS: This document was found in all these  
19 papers located on the wall as they went through every paper.

20 JUDGE SIPPEL: How do you know that?

21 WITNESS: Well, I think it talks about that, where  
22 they found it, in the initial evidence.

23 JUDGE SIPPEL: What are you talking about?

24 WITNESS: The evidence -- the evidence report, I  
25 think, explained that they found these papers amongst other

1 papers stored on the shelves in amongst, I think it was, or  
2 close to the bottom of a particular stack.

3 JUDGE SIPPEL: All right. I hear you. Again, I  
4 just want to be sure that I'm understanding your testimony  
5 here. The attorney that showed you this, what was his name?

6 WITNESS: Robert Hirsh.

7 JUDGE SIPPEL: Mr. Hirsh. Now, that's how we first  
8 started -- your first testimony with respect to this document  
9 is that you first saw it -- well, let me correct my sentence  
10 here. That you saw it when Mr. Hirsh showed it to you.

11 WITNESS: Correct.

12 JUDGE SIPPEL: And he had identified it as coming  
13 from that room. That's as much as -- that's my recollection  
14 of what you testified to. You didn't testify that he had  
15 taken it from such and such or that he told you where in the  
16 room he had taken it from and my question -- my question to  
17 you here and now is did Mr. Hirsh tell you where he had --  
18 where this document had come from in the search?

19 WITNESS: Well, he referred to the evidence report  
20 and then I read the evidence report because he wanted to know  
21 what the document was in relationship to and in the evidence  
22 report, it stated that it was found in the room amongst a  
23 stack of papers somewhere's towards the bottom from what I  
24 remember.

25 JUDGE SIPPEL: Well, was it -- was the -- was -- are

1 | you going to -- do you have this evidence report, Mr. Zauner?

2 | Is this going to come in?

3 |               MR. ZAUNER: Yes, I do, Your Honor.

4 |               JUDGE SIPPEL: Maybe I'm getting too far ahead of  
5 | myself on this thing. All of this started was -- because I  
6 | didn't -- the witness was unable to really say yes or no with  
7 | respect to whether or not he wrote the document. Do you want  
8 | to proceed then? I'll stop here for the time being and ask  
9 | you to proceed on this line, unless you don't have anything  
10 | more on this.

11 |               MR. ZAUNER: Yeah. I can continue, Your Honor, just  
12 | a question or two.

13 |               JUDGE SIPPEL: All right, go ahead. Proceed, Mr.  
14 | Zauner.

15 |               BY MR. ZAUNER:

16 |           Q     In the office where you kept your papers, you had  
17 | shelves. Is that correct?

18 |           A     Yes.

19 |           Q     And on those shelves, there were also papers  
20 | located, documents of various kinds?

21 |           A     Mostly, yes. Newspapers of importance, magazines  
22 | relating to articles of farming, all and every type of paper,  
23 | of notes given to me that were taken by my wife or notes that  
24 | were taken by myself or daily errands or just any and  
25 | anything. In other words, I didn't throw anything out.

1 Q Were you generally familiar with what was located on  
2 these shelves?

3 A No. There was no assemblence of order. The only  
4 assemblence of order was within the file cabinets.

5 Q You spoke earlier of a Mr. Clemmons. Is he a  
6 relative of yours?

7 A Yes, he is.

8 Q What is his first name?

9 A Terrence.

10 Q Does he go by the name Terry?

11 A Yes.

12 Q I'm going to call your attention to the third line  
13 down, "Paid by check to Terry".

14 MR. McCARTIN: Your Honor, can I interpose an  
15 objection here?

16 JUDGE SIPPEL: Yes. I understand your objection.  
17 I'm treating this again as part of the voir dire. It's not in  
18 yet, but I'm giving him leeway on cross examination for voir  
19 dire purposes. Go ahead. I'll overrule the objection, if  
20 that's what it is. Go ahead, Mr. Zauner.

21 BY MR. ZAUNER:

22 Q Are you aware of any transaction with --

23 JUDGE SIPPEL: I don't think you have an answer from  
24 your question.

25 MR. ZAUNER: I'm sorry. I'm not sure I asked a

1 question. I think I was interrupted before I reached a --

2 JUDGE SIPPEL: Well, weren't you going to ask him  
3 something about this reference to Terry on Item Three?

4 BY MR. ZAUNER:

5 Q Looking at the name Terry, does that look like your  
6 handwriting?

7 JUDGE SIPPEL: Do you see where it is?

8 WITNESS: Yes, I do. Well, I wouldn't rule it out.  
9 I'm -- for the record, I'm not trying to be evasive here.  
10 It's just that I wouldn't rule it out. In fact, I would give  
11 you more than a 50/50 percent that this is my handwriting.  
12 I'm not trying to deny that. But I do not remember it and I  
13 don't remember writing this page. So that's why I'm a little  
14 reluctant to say, "This is my handwriting. I wrote this  
15 page."

16 JUDGE SIPPEL: Well, 51 percent is good enough for  
17 me. This is coming in. It'll go to weight, but it's in as  
18 evidence now as Exhibit 4.

19 (Whereupon, the document referred  
20 to as Bureau Exhibit Number 4  
21 was received into evidence.)

22 JUDGE SIPPEL: Go ahead, Mr. Zauner.

23 BY MR. ZAUNER:

24 Q Do you have any idea why you may have written,  
25 taking a look at Line Three on Mass Media Bureau Exhibit Four,

1 1/4 # brown, 200, pd -- I guess P-D, paid -- by C-K, check, to  
2 Terry?

3 MR. McCARTIN: Objection, Your Honor.

4 MR. ZAUNER: If you did write --

5 JUDGE SIPPEL: Just a second.

6 MR. McCARTIN: Mr. Richards has testified that he  
7 doesn't remember the document or writing it, so to ask him why  
8 is --

9 JUDGE SIPPEL: I sustain the objection.

10 BY MR. ZAUNER:

11 Q Do you have any idea -- do you have any recollection  
12 of having written -- I'm sorry. Let me withdraw that. Do you  
13 have any recollection of Terry Clemmons having paid you a  
14 check in the amount of \$200 for marijuana?

15 A Terry Clemmons paid me?

16 Q \$200 for marijuana.

17 A No.

18 Q Looking at this sheet, it says, "1/4 # brown." Do  
19 you have any idea what that might be referring to?

20 MR. McCARTIN: Objection, Your Honor. Speculation  
21 again. Mr. Richards has already testified that he doesn't  
22 remember this document, so how can he have any idea what it  
23 means?

24 JUDGE SIPPEL: Well, I'll tell you how he could have  
25 an idea because somebody might have been able to tell him what

1 it meant or might've given him some ideas of what it meant or  
2 he might've talked to people about this document. I think  
3 that we can -- we can lay a further foundation by asking him  
4 if he has any understanding as to what these notations on the  
5 document mean.

6 BY MR. ZAUNER:

7 Q Do you have any understanding as to what these  
8 notations on this document mean?

9 A Well, after it was explained to me what my attorney  
10 thought it was, I had an --

11 Q No, no. I would like to know do you have any  
12 independent understanding of what these indications on this  
13 document may mean. I'm not interested in what your attorney  
14 may have informed you they meant. But your personal knowledge  
15 is what I'm interested in.

16 A Well, I think so. I think it relates to whether it  
17 was my handwriting or not -- I'm not sure. But it would -- it  
18 seems to me what this relates to is a quarter and then there's  
19 the pound sign, brown, \$200, paid by check to Terry. Now, if  
20 you're asking me if I ever gave Terry any money for marijuana,  
21 I have. So let me submit that right off the top. I bought  
22 marijuana for 25 years.

23 JUDGE SIPPEL: What does brown mean?

24 WITNESS: I think that brown would be the color.

25 JUDGE SIPPEL: Well, is that a term of art? I mean,



1 | you say you've got 25 years experience with this stuff. Is  
2 | that a word of art so to speak? I mean, does brown mean  
3 | something?

4 |           WITNESS: Yes. If it was brown or if it was red or  
5 | it was green.

6 |           JUDGE SIPPEL: So you're familiar with the term  
7 | brown in this context.

8 |           WITNESS: Yes.

9 |           BY MR. ZAUNER:

10 |         Q     The next line down, 10 # brown, 7,000, and then it's  
11 | paid 6,300, \$700 due. Do you have any idea what that might be  
12 | referring to?

13 |         A     Well, from my analyzation of this, that would be  
14 | ten, the pound sign, brown, \$7,000 -- or it doesn't say  
15 | dollars, but it says 7,000, paid 6,300, 700 is due. So that  
16 | would lead me to believe that this was ten pounds of brown,  
17 | that the total cost was \$7,000. I paid 63 and I had 700 due.

18 |         Q     Let me ask you to take a look at Item Number Six, 1  
19 | 1/4 and there's a pound sign, "green loose that was in trunk  
20 | after I left," with \$6,300 and then there's a \$700 amount to  
21 | the right. Do you have any idea what that transaction -- what  
22 | that --

23 |         A     I think that's a duplicate. If you notice, it's the  
24 | same \$700 figure on the right. It's the same \$6,300 figure  
25 | with it, so I think what that's signifying there is there was